



Balanced participation of women and men in political and public decision-making

Recommendation Rec (2003) 3
of the Committee of Ministers
and explanatory memorandum



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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of women and men
in political and public
decision-making**

**Recommendation Rec (2003) 3
adopted by the Committee of Ministers
of the Council of Europe on 12 March 2003
and explanatory memorandum**

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http://www.coe.int/human_rights/

1st printing, May 2003
Printed at the Council of Europe

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Recommendation Rec (2003) 3 on balanced participation of women and men in political and public decision-making

(adopted by the Committee of Ministers on 12 March 2003,
at the 831st meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Bearing in mind that women make up more than half of the population and the electorate in its member states, but continue to be seriously under-represented in political and public decision making in a large part of its member states;

Bearing in mind that, in spite of the existence of *de jure* equality, the distribution of power, responsibilities and access to economic, social and cultural resources between women and men is still very unequal due to the persistence of prevailing traditional gender roles;

Mindful that the functioning of electoral systems and political institutions, including political parties, may hamper women's participation in political and public life;

Considering that balanced participation of women and men in political and public decision-making is a matter of the full enjoyment of human rights, of social justice and a necessary condition for the better functioning of a democratic society;

Considering that the realisation of balanced participation of women and men in political and public decision making would lead to better and more efficient policy making through the redefinition of political priorities and the placing of new issues on the political agenda as well as to the improvement of quality of life for all;

Considering that balanced participation of women and men in political and public decision making is needed for the development and construction of a Europe based on equality, social cohesion, solidarity and respect for human rights;

Recalling the declaration adopted at the 2nd Summit of the Council of Europe (October 1997) at which the heads of state and government of the Council of Europe stressed "the importance of a more balanced representation of men and women in all sectors of society, including political life", and called for "continued progress with a view to achieving effective equality of opportunities between women and men";

Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and its Protocols;

Bearing in mind the European Social Charter (1961), the revised European Social Charter (1996) and the Additional Protocol to the European Social Charter providing for a System of Collective Complaints (1995);

Bearing in mind the texts adopted at the European Ministerial Conference on Human Rights held in Rome in 2000;

Bearing in mind the following recommendations of the Committee of Ministers to member states of the Council of Europe: Recommendation No. R (85) 2 on legal protection against sex discrimination; Recommendation No. R (96) 5 on reconciling work and family life and Recommendation No. R (98) 14 on gender mainstreaming;

Bearing in mind the following texts adopted by the Parliamentary Assembly: Recommendation 1229 (1994) on equality of rights between women and men; Recommendation 1269 (1995) on achieving real progress in women's rights as from 1995 and Recommendation 1413 (1999) on equal representation in political life;

Bearing in mind the United Nations Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Recalling the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW, 1979), especially its Articles 7 and 8;

Recalling also the commitments in the Beijing Platform for Action as well as in the Agreed Conclusions of the Special Session of the UN General Assembly in 2000 (Beijing +5);

Considering that democracy can no longer afford to ignore the competence, skills and creativity of women but must become gender sensitive and include women with different backgrounds and of different age groups in political and public decision making at all levels;

Mindful of the high priority the Council of Europe gives to the promotion of democracy and human rights,

Recommends that the governments of member states:

- I. commit themselves to promote balanced representation of women and men by recognising publicly that the equal sharing of decision-making power between women and men of different background and ages strengthens and enriches democracy;
- II. protect and promote the equal civil and political rights of women and men, including running for office and freedom of association;
- III. ensure that women and men can exercise their individual voting rights and, to this end, take all the necessary measures to eliminate the practice of family voting;
- IV. review their legislation and practice, with the aim of ensuring that the strategies and measures described in this recommendation are applied and implemented;
- V. promote and encourage special measures to stimulate and support women's will to participate in political and public decision-making;
- VI. consider setting targets linked to a time scale with a view to reaching balanced participation of women and men in political and public decision-making;
- VII. ensure that this recommendation is brought to the attention of all relevant political institutions and to public and private bodies, in particular national parliaments, local and regional authorities, political parties, civil service, public and semi-public organisations, enterprises, trade unions, employers' organisations and non-governmental organisations;
- VIII. monitor and evaluate progress in achieving balanced participation of women and men in political and public life, and report regularly to the Committee of Ministers on the measures taken and progress made in this field.

Appendix

to Recommendation Rec (2003) 3

For the purpose of this recommendation, balanced participation of women and men is taken to mean that the representation of either women or men in any decision-making body in political or public life should not fall below 40%.

On this basis, the governments of member states are invited to consider the following measures:

A. Legislative and administrative measures

Member states should:

1. consider possible constitutional and/or legislative changes, including positive action measures, which would facilitate a more balanced participation of women and men in political and public decision-making;
2. adopt administrative measures so that official language reflects a balanced sharing of power between women and men;
3. consider adopting legislative reforms to introduce parity thresholds for candidates in elections at local, regional, national and supra-national levels. Where proportional lists exist, consider the introduction of zipper systems;
4. consider action through the public funding of political parties in order to encourage them to promote gender equality;
5. where electoral systems are shown to have a negative impact on the political representation of women in elected bodies, adjust or reform those systems to promote gender-balanced representation;
6. consider adopting appropriate legislative measures aimed at restricting the concurrent holding of several elected political offices simultaneously;
7. adopt appropriate legislation and/or administrative measures to improve the working conditions of elected representatives at the local, regional, national and supra-national levels to ensure more democratic access to elected bodies;
8. adopt appropriate legislative and/or administrative measures to support elected representatives in the reconciliation of their family and public responsibilities and, in particular, encourage parliaments and local and regional authorities to ensure that their timetables and working methods enable elected representatives of both sexes to reconcile their work and family life;
9. consider adopting appropriate legislative and/or administrative measures to ensure that there is gender-balanced representation in all appointments made by a minister or government to public committees;
10. ensure that there is a gender-balanced representation in posts or functions whose holders are nominated by government and other public authorities;
11. ensure that the selection, recruitment and appointment processes for leading positions in public decision-making are gender sensitive and transparent;

12. make the public administration exemplary both in terms of a gender-balanced distribution of decision-making positions and in equal career development for women and men;
13. consider adopting appropriate legislative and/or administrative measures to ensure that there is gender-balanced representation in all national delegations to international organisations and fora;
14. take due account of gender balance when appointing representatives to international mediation and negotiating committees, particularly in the peace process or the settlement of conflicts;
15. consider taking legislative and/or administrative measures aiming at encouraging and supporting employers to allow those participating in political and public decision-making to have the right to take time off from their employment without being penalised;
16. set up, where necessary, support and strengthen the work of the national equality machinery in bringing about balanced participation in political and public life;
17. encourage parliaments at all levels to set up parliamentary committees or delegations for women's rights and equal opportunities and to implement gender mainstreaming in all their work;

B. Supportive measures

Member states should:

18. support, by all appropriate measures, programmes aimed at stimulating a gender balance in political life and public decision-making initiated by women's organisations and all organisations working for gender equality;
19. consider the setting up of a data bank of women willing to serve in political and public decision-making positions;
20. support and develop women's political action by providing the opportunity for women elected representatives to network at the local, regional, national and international levels;
21. develop and support mentoring/work-shadowing programmes, confidence building, leadership and media training for women considering entering political and public decision-making;
22. encourage training for women candidates and elected representatives in the use of information and communication technologies;
23. incorporate into school curricula education and training activities aimed at sensitising young people about gender equality and preparing them for democratic citizenship;

24. promote the participation of young people, especially young women, in associations to enable them to acquire experience, knowledge and capacities which are transferable to the field of institutional, and especially political, participation;
25. encourage youth organisations to ensure a balanced participation of women and men in their decision-making structures;
26. encourage greater involvement of ethnic and cultural minorities, and especially women from these minorities, in decision-making at all levels;
27. inform political parties of the different strategies used in the various countries to promote the balanced participation of women and men in elected assemblies; encourage them to implement one or more of these strategies and to promote balanced participation of women and men in positions of decision-making within the party structures;
28. support programmes initiated by the social partners (employers' and workers' organisations) to promote balanced participation of women and men in positions of responsibility and decision-making, within their own ranks and in the context of collective bargaining;
29. encourage enterprises and associations to ensure balanced representation of women and men in their decision-making bodies, in particular those subsidised for providing public services or implementing public policies;
30. promote campaigns aimed at the general public in order to raise its awareness of the importance of gender-balanced representation in political and public decision-making as a prerequisite for genuine democracy;
31. promote campaigns aimed at encouraging the sharing of responsibilities between women and men in the private sphere;
32. promote campaigns aimed at specific groups, in particular politicians, social partners and those who recruit and nominate political and public decision makers, in order to raise their awareness of the importance of gender-balanced representation in political and public decision-making;
33. organise interactive seminars on gender equality for key people in society, such as leaders and top officials, to make them aware of the importance of the balanced participation of women and men in all levels of decision-making;
34. support non-governmental organisations and research institutes that conduct studies on women's participation in and impact on decision-making and the decision-making environment;
35. carry out research on the distribution of votes according to opinion polls in order to determine the voting patterns of women and men;

36. promote research on the obstacles which prevent women's access to political and public decision-making at the different levels and publish the results;
37. promote research on women's participation in social and voluntary sector decision-making;
38. promote gender-sensitive research on the roles, functions, status and working conditions of elected representatives at all levels;
39. promote balanced participation in decision-making positions in the media, including management, programming, education, training, research and regulatory bodies;
40. support training and awareness-raising for students of journalism and media professionals on questions linked to gender equality and how to avoid sexist stereotypes and sexism;
41. encourage media professionals to ensure that women and men candidates and elected representatives receive equal visibility in the media, especially during election periods.

C. Monitoring

Member states should:

42. consider establishing independent bodies, such as a parity observatory or a special independent mediation body, with a view to following governmental policy in the field of balanced participation of women and men in political and public life, or entrust national equality machineries with this task;
43. consider setting up and applying indicators for the monitoring and evaluation of the balanced participation of women and men in decision-making on the basis of internationally comparable gender segregated data;
44. consider adopting the following indicators for measuring progress in the field of political and public decision-making:
 - i. the percentage of women and men elected representatives in parliaments (supra-national/national/federal/regional) and local assemblies according to political party;
 - ii. the percentage of women and men elected representatives in parliaments (supra-national/national) compared to the number of candidates according to political party (the success rate);
 - iii. the percentage of women and men in national delegations to nominated assemblies such as the Council of Europe's Parliamentary Assembly and Congress of Local and Regional Authorities of Europe and to international organisations and fora;

- iv. the percentage of women and men in national, federal and regional governments;
- v. the number of women and men senior/junior ministers in the different fields of action (portfolios/ministries) of the national, federal and regional governments of the member states;
- vi. the percentage of the highest ranking women and men civil servants and their distribution in different fields of action;
- vii. the percentage of women and men judges in the supreme court;
- viii. the percentage of women and men in bodies appointed by the government;
- ix. the percentage of women and men in the decision-making bodies of political parties at national level;
- x. the percentage of women and men members of employer, labour and professional organisations and the percentage of women and men in their decision-making bodies at national level;
- 45. submit, every other year, reports to their national parliaments on the measures taken and progress made according to the indicators listed above;
- 46. publish, every other year, reports on the measures taken and progress made in women's involvement in decision-making and disseminate these reports widely;
- 47. publish and make readily accessible, statistics on candidates for political office and on elected representatives containing information on sex, age, occupation, occupational sector (private/public), education;
- 48. encourage the regular analysis of the visibility and portrayal of women and men in national news and current affairs programmes, especially during election campaigns.

Explanatory memorandum

I. Introduction

A. Historical and legal background

The concept of representation is at the heart of modern democracy, which means that the general interests of the people are expressed through democratically elected representatives. In this tradition, the right to be represented and the right to choose a representative have become universal and fundamental rights to be constitutionally guaranteed. However, universal suffrage, introduced progressively, was at first reserved for men.

The right to vote and to stand for all elections was the primary demand of women's rights movements throughout the nineteenth century and the first half of the twentieth century. In Europe at the end of the nineteenth century and the beginning of the twentieth century, women obtained the right to vote only in a few countries. After the first world war, this right was extended to a number of other European countries; yet others had to wait until after the second world war and even until the 1970s and 1980s.*

Despite the existence of formal equal political rights between women and men, political activities and public decision-making remain male-dominated areas.† Men set political priorities, and political culture continues to be highly male-oriented. A number of obstacles make it difficult for women to enter political and public decision-making:

* For more information on dates concerning women's right to vote and to stand for election, see the website of the Inter-Parliamentary Union: <http://www.ipu.org/>.

† See for example *Women in Politics 1945-2000*, series "Reports and Documents" No. 37, Inter-Parliamentary Union, Geneva 2000, the United Nations World's Women Trends and Statistics and *Women in politics in Council of Europe member states*.

- the fact that the place of most women in society is not conducive to political and public participation (models and values conveyed by the different components of society, such as the family, school, media);
- cultural and ideological factors (representation of feminine and masculine roles that lead to a gendered ideology and condition society's expectations of each individual, as well as of each person's expectations in relation to his or herself);
- factors linked to the organisation of social life (social division of work leaving little space for the participation of women, organisation of the labour market, insufficient support for families or their inability to adjust to the requirements of participation).

Women's access to representative bodies also depends greatly on factors linked to the notion and organisation of political life itself. The rhythms and rituals associated with political life, as well as the selection process and selection criteria within political parties can be very unfavourable to women and contribute to their exclusion. There is a strong relationship between electoral systems and the number of women in national parliaments.

The Universal Declaration of Human Rights is the founding text of both the United Nations and the major conventions on human rights ratified during the second half of the twentieth century. Even if it does not address political participation from a gender perspective, it affirms, in its preamble, the equal rights of men and women as fundamental human rights, and seeks to secure their effective recognition and observance by the people and governments of member states.

Article 21 of the Declaration stipulates that everyone has the right to take part in the government of his (*sic*) country, directly or through freely chosen representatives. In addition, according to Article 7, all persons are equal before the law and are entitled to equal protection of the law and against any discrimination in violation of the Declaration. These main human rights principles are also stated in the International Covenant on Civil and Political Rights (ICCPR), which entered into force in 1976. The ICCPR also provides for the equal right and equal opportunity of men and women to vote and to be elected (Article 25, paragraph b).

Neither the Declaration nor the ICCPR lay responsibility on states to promote gender equality and ensure equal participation of women and men in all spheres of society. They ensure rights, protection of the law and protection against discrimination as laid down in the declaration and the covenant, irrespective of sex. The state is responsible for ensuring equal opportunities but not for guaranteeing results. Defining gender equality as a basic human right in the middle of the twentieth century was both progressive and based on future visions for the world. But for many that was not considered enough.

The United Nations General Assembly declared the period 1975 to 1985 a decade for women's rights. In 1979, the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (the CEDAW Convention) was opened for signature. For the first time, the role and responsibility of governments to use all appropriate measures to ensure women's equal participation in political and public decision-making was stated in an international convention. Many countries in the world, including some European countries, have entered reservations to specific articles of the CEDAW Convention. However, no European country has entered reservations to Article 7 on equal representation in political decision-making or Article 8 on the equal opportunity of men and women to represent their governments at the international level and to participate in the work of international organisations.*

It can therefore be assumed that the European states have an obligation to ensure equal participation of women and men in political and public decision-making. Given that the traditional liberal notion of equality of opportunity has evolved to a demand for equality of results, states now have an obligation to ensure equality of outcomes, not only equal opportunities between women and men. This means that European states are obliged to ensure an equal representation of women and men in decision-making.

B. Democracy – new demands

More than twenty-five years have passed since the beginning of the United Nations decade for women. For many women in the world, not least in Europe, immense changes have taken place and progress has been made to ensure that women enjoy their basic human rights. Today, in general, women are more educated and have greater opportunities to participate in the labour market. Steps have been taken in some countries to help women and men reconcile family and working life. In sum, the changes in the status of women have made it increasingly difficult to justify the continued low participation of women in political and public decision-making.

At the same time, the democratic tradition, based on the separation of the power of the state into legislative power, executive power and independent judiciary, is being challenged as being too limiting. A democratic state, defined solely as the supremacy of a people where free and fair elections are held periodically by secret ballot, governed by the rule of law and respect for human rights, is not necessarily seen as a guarantee for genuine democracy today. Stronger demands take

* Belgium, Luxembourg, Spain and the United Kingdom of Great Britain and Northern Ireland have entered restrictions to Article 7 as regards the hereditary transmission of the Crown, and Germany and Switzerland as regards national military legislation prohibiting women from performing functions involving armed conflict.

the form of a need for transparency in governmental decisions, a right of public access to official information, an emphasis on good governance and support for independent ombudsmen in ensuring good governance and just use of power, thus making governments more accountable for their decisions and actions. These demands also include an expectation that power will be shared in an equal way between women and men. Government commitments to these new dimensions and visions have been declared at several European high-level conferences, such as the 2nd Summit of Heads of State and Government of the Council of Europe held in Strasbourg in 1997, the 4th European Ministerial Conference on equality between women and men held in Istanbul in 1997 and the European Ministerial Conference on Human Rights held in Rome in 2000.

Statistics on women's participation in the labour market and in political and public decision-making are often used as indicators of the level of gender equality attained by a country. Gender disaggregated statistics on participation in political and public decision-making in a democratic state show the level of influence women have in their society, where and to what extent women and men are sharing power. It is generally acknowledged that women need to reach a critical mass of at least one-third of the seats of a legislative body in order to be able to exert a real influence on the decisions taken by this body.

C. The origins of the recommendation: the work of the Council of Europe

In order to promote genuine democracy and human rights in its member states, one of the Council of Europe's priorities in the field of equality between women and men is to ensure a more balanced participation of both sexes in political and public decision-making.

For many years now, the Organisation has paid particular attention to the subject of equality and democracy. The concept of parity was first discussed at the seminar "The democratic principle of equal representation – 40 years of Council of Europe activity" (Strasbourg, 6-7 November 1989). As a follow-up to that seminar, a group of specialists began work on a report on parity democracy, which was published at the beginning of 1995. Besides giving an explanation of the concept, this report puts forward strategic guidelines aiming at enabling women to become full actors in society, both as contributors and beneficiaries, with the same rights and responsibilities as men. These strategic guidelines include the setting of parity thresholds and target figures in the various organs of the state as well as in political parties.

The participation of women in political decision-making has often been discussed by the European Ministers responsible for equality between women and men. The theme of the first ministerial conference (Strasbourg, 4 March 1986) was: "Participation of women in the political process – Policy and strategies to

achieve equality in decision-making". One of the texts adopted by the second ministerial conference (Vienna, 4-5 July 1989) dealt with "Political strategies for the achievement of real equality of women and men". At the fourth conference (Istanbul, 13-14 November 1997) the Ministers adopted a Declaration on equality between women and men as a fundamental criterion of democracy, together with multidisciplinary strategies aiming at the balanced representation of women and men in all walks of life, including political life.

The adoption of the Istanbul Declaration constituted a major step towards the acceptance by European societies that gender-balanced representation is crucial for achieving democracy, social equality and transparent administration. The preparation of the present recommendation constitutes a logical follow-up to the Istanbul Conference. Moreover, the Parliamentary Assembly of the Council of Europe has, over the last few years, repeatedly invited the Committee of Ministers to undertake this task. More recently, the European Ministerial Conference on Human Rights, held in Rome in 2000, expressed its concern about the continuing inequalities affecting women and welcomed the work carried out by the Council of Europe in order to overcome them.

II. Comments on the recommendation

A. The preamble

In the preamble, the main international conventions and recommendations concerning equal rights of women and men in political and public decision-making are listed, along with declarations and international commitments made by the governments of the member states of the Council of Europe. In spite of *de jure* equality and the fact that women make up more than half of the population in Europe, women are still seriously under-represented in political and public decision-making. The governments of the European states have on numerous occasions acknowledged and declared that the sharing of power between women and men is a prerequisite for genuine democracy and a better functioning of a democratic society. The preamble recalls this fact and points to why balanced participation is beneficial for the development of society and ultimately, for democracy.

The preamble also makes some reference to the process of construction of a united, democratic Europe, in which both new and old member states of the Council of Europe are currently engaged. Such a process, if it is to be truly democratic and protect and promote human rights, must make every effort to ensure, *inter alia*, the balanced participation of women and men in political and public decision-making. The Committee of Ministers of the Council of Europe, which is the home of human rights and democracy, logically encourages the member states to

work towards reaching this balanced participation, which is understood as being a part of the democratic reforms under way in many countries.

B. Provisions of the recommendation

Paragraph I

Governments play a key role in promoting a gender balance in decision-making, both in political and public life. By ratifying the human rights conventions and by adopting the various recommendations mentioned in the preamble, they have obliged themselves to work for gender equality and genuine democracy in their society. By stating a public commitment, governments both reaffirm and highlight their obligations in this field. Such a statement could also potentially influence and remind other sectors of society of their obligations, such as political parties and governmental institutions. In this respect, governments can play an important role by setting an example to follow. The ministers of the states participating in the 4th European Ministerial Conference on equality between women and men held in Istanbul in 1997, declared that the goal to achieve is a democracy where women and men are equal, and that it must be pursued, *inter alia*, through specific, multidisciplinary strategies concerning political and public life. In order to inform and to sensitise the public opinion, the ministers agreed to "table a political statement explaining that the equal sharing of decision-making power between women and men strengthens and enriches democracy and commit themselves to the goal of gender balance".

In giving effect to this recommendation at national level, it is of great importance that each government makes a public commitment to promote equal sharing of decision-making power between women and men.

Paragraphs II and III

The right to vote and the right to take part in the government of one's country and to engage in political activities are basic human rights and fundamental criteria for democracy. This applies also to the right to freedom of association with others. As all human rights, these are individual rights. The International Covenant on Civil and Political Rights and the European Convention on Human Rights guarantee these rights, as does the United Nations Declaration on Human Rights. The State Parties to the Conventions and to the Declaration not only undertake to respect and to ensure every citizen those rights without unreasonable restrictions, they also undertake to ensure the equal right of women and men to enjoy these rights.

Recent examples in Europe of so-called "family voting" in elections are therefore serious violations of these rights. "Family voting" means a male family member accompanying one or more women relatives into a polling booth, family

groups voting together, or a male family member voting on behalf of one or more women relatives.* Persisting cultural beliefs and attitudes prevent women, e.g. from some minority groups, exercising their civil and political rights such as the right to vote. It can be assumed that these same cultural beliefs and attitudes also prevent women from engaging in all political activities in their country. It is therefore vital that governments address this problem and protect and promote the rights of women to engage in political life, which includes voting, running for office and freedom of association. Information targeted at particular groups of people in society and awareness-raising are useful means of addressing this problem, along with the measures proposed in the following paragraphs. The Beijing Platform for Action addresses this breach of women's human rights in a similar fashion.

Paragraph IV

Revision of national legislation and practice is a prerequisite for the implementation of the recommendation.† But this does not mean that governments should limit themselves to adopting laws or publishing political statements. Balanced participation of women and men in political and public decision-making implies defining and adopting concerted strategies as well as a global and transparent intervention involving not only the government, but also a wide range of actors. The actors concerned by the consequences of the under-representation of women in decision-making – equality machineries, NGOs, researchers, political post-holders at local, regional, national and supra-national level – must cooperate and develop concerted action.

* The Congress of Local and Regional Authorities of Europe (CLRAE) adopted a recommendation on this subject at its June 2002 Session: Recommendation 111 (2002) on women's individual voting rights: a democratic requirement. See document CG (9) 7 presented by Ms Diane Bunyan, rapporteur.

† Legislation on the following should be reviewed: electoral system, employment, civil service, labour-related rights (maternity leave, etc.), elected representatives, gender equality (including positive measures). The following practices should be reviewed: working methods of political parties, methods for advertising vacant posts, procedures for nominations and promotions.

Paragraph V

Various projects and temporary, special measures implemented in the member states of the Council of Europe in order to promote gender balance in decision-making positions have proven to be very valuable. Some of these projects are described in the Council of Europe's report on positive action in the field of equality between women and men,* and in the report written by Professor Alison Woodward.† Paragraph V is a general recommendation to governments to promote and support special measures in this field. Chapter 3 of the guide for balancing decision-making gives examples of measures and encourages governments to adopt them along with all other necessary measures considered of value. Chapter B of this recommendation also contains several measures of this kind.

Paragraph VI

The importance of time-bound targets is stressed both in public employment and in political appointments to decision-making posts. Experience has shown that defined aims and pre-decided time targets are important instruments for guaranteeing results and ensuring the necessary evaluation of the policy adopted. Besides, it is a strong sign of government desire to create a gender balance in decision-making.

A great number of appointed bodies exist within the sphere of influence of governments, such as advisory councils, boards of public authorities, commissions and committees, with appointed or delegated members. In these bodies, women have long been under-represented and have had little means to actually have an impact on decision-making. Some countries have adopted the use of targets in order to achieve gender-balanced representation in appointed bodies. Depending on the actual percentage of posts held by women and men and the target fixed by a government to redress the situation, a certain time-span may be necessary to gradually reach the target. For example, in the United Kingdom, the Government is taking action to increase women's representation on the boards of public bodies. Out of 30 000 public appointments, 34% are currently held by women and the expectation is that, by the end of 2005, women will hold 45%-50% of the posts (see further information in Appendix I, p. 50).

Some governments are also working actively to increase the number of women holding public appointments at national level by using a system of targets (see example in Appendix II, p. 50).

* Final report of activities of the Council of Europe's Group of specialists on positive action in the field of equality between women and men, EG-S-PA (2000) 7.

† Going for gender balance, Council of Europe Publishing 2002, ISBN 92-871-4901-1.

Paragraph VII

Although governments play a vital role in promoting a gender balance in decision-making both in political and public life, other actors are also involved. As described in the recommendation, national parliaments, local and regional authorities, political parties, civil service, public and semi-public organisations, enterprises, trade unions, employers' organisations and non-governmental organisations are major actors in this field and have a special responsibility in this regard. It is therefore important that the recommendation is brought to the attention of all relevant bodies in society (see, in this respect, Chapter C of the Appendix to the Recommendation, especially the part on indicators, p. 11). The recommendation names some of the most important bodies but does not limit the responsibility to those mentioned.

Paragraph VIII

The need for monitoring is crucial for the implementation of the recommendation and here governments play an important role. Monitoring requires governments to regularly provide sex-segregated statistics on the participation of women and men in decision-making positions and evaluate the progress made at national level based on the proposals of this recommendation. Chapter C of the recommendation contains proposals for concrete indicators to measure progress.

Countries that have ratified or acceded to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations. These include measures ensuring women's equal access to, and equal opportunities in, political and public life – including the right to vote and to stand for election.

At the 4th European Ministerial Conference on equality between women and men (Istanbul, 1997), the ministers agreed on a range of multidisciplinary strategies aiming to ensure a gender balance in political and public life. Part of the work of the Council of Europe's Steering Committee for equality between women and men (CDEG) involves preparing studies and collecting data on gender-related issues in the member states. For example, it regularly updates a document containing statistics on the number of women holding government posts, the percentage of women in elected positions at national, regional and local level and measures designed to facilitate women's participation in political life.* The CDEG reports directly to the Committee of Ministers and can therefore play an important role in disseminating information and statistics, including on the Internet.

* *Women in politics in Council of Europe member states*, <http://www.coe.int/equality/>.

III. Appendix to the recommendation

Introduction

Balanced participation of women and men in political and public decision-making is defined in this recommendation as a minimum 40% representation of each sex in any decision-making body in political and public life. The 40% minimum is in accordance with the European Parliament resolution of 18 January 2001 on the balanced participation of women and men in decision-making.*

It is clear that political life and public life are related and interdependent. Decisions affecting the lives of individuals and groups in a society are taken in these spheres. The nature of these decisions has immediate and long-term consequences for communities, groups and individuals. As the political and public decision-making arenas together constitute the infrastructure of governance, it is important that the views, concerns and interests of women are fully represented in these spheres. At a more fundamental level, women's presence in political and public decision-making is now a standard measure of democracy in a society.† In recent years, modest progress regarding the increased participation of women in political life has been observed in some member states of the Council of Europe. Unfortunately, the same cannot be said for public decision-making, except in a tiny minority of European countries. Yet, the increased role of international and supra-national organisations and parliaments over national authorities has increased the role and authority of the public sector at national level. Therefore, it is of paramount importance that the participation of women in public decision-making is addressed at the same time as women's participation in political life.

For the purposes of this recommendation, it is recognised that political and public decision-making is an activity of those (acting as sole persons or as members of a collectivity) elected or appointed to political or public office. Political decision-makers hold positions in government, may hold advisory posts within a government, and are elected representatives at all levels of power. Political decision-makers also include senior decision-makers within political parties. Public decision-making is concerned with setting and influencing priorities for public policy. Public decision-makers include governments, the senior civil service, higher levels of the judiciary, senior diplomats, leaders in public occupations, those serving on committees established by government and individuals appointed by government to attend to specific public policy matters. Public decision-makers are also persons holding senior positions within enterprises and associations which

* This resolution pertains to the European Commission report on the implementation of Council Recommendation 96/694 of 2 December 1996.

† IDEA and Charter 88, Handbook on Democracy Assessment, Stockholm: IDEA, 2002.

provide public services and leading positions within trade union and employer organisations.

A. Legislative and administrative measures

In this chapter, several proposals are made for governments to consider in order to reach the aim of the recommendation. Although the list is far from complete, it covers areas such as use of language, funding of political parties, working conditions of elected representatives, public appointments, equality machinery, and education. National research is also important since it will define the problem at a national level and give guidelines for governments as to what legal and administrative measures should be adopted.

Paragraph 1

Paragraph 1 is a general clause on legislation, including positive action. Legislation that allows for positive measures to be taken in the various sections of society is vital, in that it will have a direct effect on promoting balanced participation in political and public life. Such legislation should include provisions for introducing and/or developing gender mainstreaming at policy level as well as positive action measures, so as to ensure genuine substantive equality between women and men.

In many countries in Europe, gender equality is stated in the constitution as a basic human right. This has, to a very limited extent, led to an equal sharing between women and men in decision-making. In two European countries, Belgium and France, political parties are obliged by law to observe parity between candidates in political elections (see Appendix III, p. 51).

The example of France is particularly interesting as far as constitutional reform is concerned. A constitutional reform carried out in 1999 allows Parliament to pass legislation providing for measures of positive action which will not be liable to censure by the Constitutional Council as they were in 1982.*

On the basis of this example, governments should consider legislative and/or constitutional changes in order to facilitate a more balanced representation of women and men in elected bodies.

* On 18 November 1982, the Constitutional Council invalidated an article of the municipal law of 1982 which introduced a 25% quota for the representation of each gender (max 75% representatives of each sex) on lists of candidates for municipal elections. The decision was justified in the name of the equality of citizens before the law, guaranteed by Article 3 of the 1958 Constitution and Article 6 of the Declaration of the Rights of Man and the Citizen of 1789.

Paragraph 2

Language, the symbolism of which is important, must not consecrate the hegemony of the masculine model. Language must be gender neutral (for example "person") or refer to both sexes ("his/her"). The Committee of Ministers of the Council of Europe, as early as in 1990, adopted Recommendation No. R (90) 4 to member states on the elimination of sexism from language. A clear evolution towards the elimination of sexism from language can be seen when comparing, on the one hand, the European Convention on Human Rights (ECHR) and on the other the Charter of Fundamental Rights of the European Union. To give an example, in the ECHR, the systematic use of the pronoun "his" has been replaced in the Charter with "his or her".

In France, the Prime Minister published a circular (dated 8 March 1998) which invites ministers to use feminine titles for names of professions, functions and grades. In 1993, the Government of Switzerland decided that the administration should use non-sexist language; for the German language, the Chancellery developed a guide *Leitfaden zur sprachlichen Gleichbehandlung im Deutschen* (Berne, 1996). Since 2001, Austria has an agreement of ministers on gender-sensitive use of language. In Germany, in accordance with the federal law on equality between women and men (which came into force on 5 December 2001), there is an obligation to pay attention to gender-sensitive language in legislation and official correspondence.

Paragraph 3

The term "parity thresholds" is defined in the final report of the Council of Europe's Group of specialists on equality and democracy as: "legal/statutory provisions enshrining the rule of parity by fixing a parity threshold, e.g. 40% at least of each sex, in the composition of the consultative organs of the state (councils, commissions, working groups, etc.), in elected assemblies and, if needed, in juries (and other judicial bodies) as well as in the structures of the political parties, trade unions and the decision-making bodies of the media."

The legislative reform should be introduced into electoral legislation and cover elections at local, regional, national and supra-national level. Such reform would lead to modifying the legislation with the aim of achieving balanced participation of women and men and therefore ensuring genuine democracy. As regards candidate lists, the aim should not only be to guarantee that 40% of the seats are reserved for each sex but that at least 40% of each sex is elected. By "zipper system" is meant that women and men hold every other seat of a candidate list. In countries where the electoral system allows for the crossing out of candidates, other solutions should be found. The CEDAW Convention allows for specific measures, including legislative measures, to be taken with the aim of accelerating *de*

facto equality. This applies to balanced participation of women and men in political decision-making according to Article 7 of the Convention, as well as to other fields covered by the Convention.

Paragraph 4

This paragraph addresses the public funding of political parties and how this can be used to encourage political parties to promote gender equality within their organisations. In some countries a legislative measure would be required, while in others an administrative one would be sufficient. The financial resources could either be taken from the state budget earmarked for gender equality work or a special fund for this purpose only. It varies between the member states of the Council of Europe as to what extent political parties are state funded. In some countries no funds can be allocated to political parties (for example Germany, Sweden and Switzerland). But even in countries where this is not the case, it should be possible for governments to grant financial support earmarked to this purpose to either the political party or to the women's section within the party.

The use of such financial support by the political parties would of course vary from country to country. Examples of such use are training and leadership programmes and awareness-raising programmes (see also the different measures proposed in paragraphs 20, 21 and 22). What is clear is that most, if not all political parties lack financial support for such activities. Therefore a specific amount earmarked for gender equality work is an important measure for governments to adopt.

An example of incentive to political parties through public funding is that of France. The Law of 6 June 2000 on equal access for women and men to elective office and elective positions includes provision for financial penalties for parties that fail to present 50% of candidates of each sex.

For parliamentary elections, for which the method of voting (double ballot uninominal system) cannot guarantee parity within each constituency, the law provides for a reduction in public funds allocated to a party if the difference between the numbers of its candidates of each sex exceeds 2% of the total number of candidates. Accordingly, a party presenting 49% women and 51% men would not be penalised.

The reduction must not exceed 50% of the amount of the first fraction of such funds. For example, if a party presents only 45% women, the difference is 10% (45/55) and its public funding is reduced by 5%. This financial mechanism avoids threshold effects. It also guarantees receipt of at least 50% of the first fraction. Reduction of funding for penalised parties cannot benefit the other parties, since the purpose is not to reward parties complying with the parity principle, but to penalise those that fail to do so.

Paragraph 5

The purpose of paragraph 5 is to emphasise that research and statistics have shown that where proportional representation systems exist, it has often been easier for women to achieve greater representation in political bodies. During the last three decades, there has been a significant increase in women's representation where proportional representation systems exist, whereas only modest advances have been made through plurality-majority systems. This seems to be mostly due to the fact that where there is only one candidate, as is the case in first-past-the-post systems, incumbency is the key factor for choice of a candidate. As today most incumbent candidates are men, it is difficult to refuse their candidature and give their seats to women. This appears to be less problematic where there are party lists, as the party can expect to win several seats in each district. Thus, electoral systems seem to structure party candidate choices to some degree.

Geographical limits in which elections are held can have an impact on whether proportional representation or single member system leads to a more equal representation of men and women. If the proportional voting system is a "local" one, applied to a limited geographical area, it can be just as disadvantageous to women as the single-member system. This was the case in France at the 1986 parliamentary elections in which a proportional system was applied at the level of each *département*. Although there were more women candidates (24.7% compared to 11.9% at the 1981 elections when the single-member system was applied), the proportion of women actually elected was still very low (5.9% compared to 5.3% in 1981). Basing the system on the *département* gave a distinct advantage to candidates with a solid bedrock of local support and hence to outgoing candidates who had already accumulated more than one post (for example combining the functions of member of parliament and mayor or member of parliament and regional councillor). In these circumstances it is more difficult for party leaders to impose women outsiders in electable positions than when the proportional system is applied nationally (as is the case with European elections). All changes or adjustments must therefore be based on national research in this matter.*

Paragraph 6

In some European countries, political participation tends to be "professionalised". This means that a few politicians have a quasi-monopoly, blocking access to political responsibilities for, in particular, women. These politicians often hold two or three political offices simultaneously. Such a "professional" politician can be, at

* For further information, see report published by the European Parliament in 1997: Differential impact of the electoral systems on female political representation. Women's Rights Series.

the same time, the mayor of a city, a member of parliament and possibly a member of government.

The fact that the same individual holds more than one post simultaneously prevents renewal in politics and is often an obstacle to obtaining a balanced representation of women and men in political and public decision-making. In addition, it appears increasingly as being incompatible with the development of democracy, as one person would have a limited capacity to represent such large groups of society. Modern democracy implies the involvement and participation of as broad a section of society as possible in political and public decision-making. Restricting the number of offices that can be held simultaneously automatically opens up new possibilities for participation, in particular for women.

Governments are therefore asked to consider appropriate legislative measures in this field, possibly after research on the actual situation in society. The ministers participating in the 4th Ministerial Conference held in Istanbul in 1997 agreed upon this principle and invited political parties to consider adopting such measures. It is important that governments seriously consider passing such legislative restrictions where needed.

Paragraph 7

This is a general article stressing the importance of improving the working conditions of elected representatives at local, regional, national and supra-national level. Even though elected representatives at supra-national level do not have a direct influence on internal affairs, they can propose measures to be taken at local, regional and national level. Although political activities are often very time-consuming, the financial compensation is often very low. In many cases political work, not least at the local level, is more like voluntary work than paid work. Yet, it is well known that local political activity is often the first step into national politics. The important political work undertaken at local level should be properly rewarded by an appropriate system of financial payment and the enhancement of non-financial supports to local politicians.

Governments should therefore consider adopting appropriate legislation to make the working conditions in political life as similar to those in the labour market as possible, with the exception of the time limit in political life. This should include, for example, financial compensation, pension rights and the right to parental leave, family-friendly scheduling of meetings and structuring of the public service, such as children's care facilities. Such measures would make political life a real option for women as well as for men.

Paragraph 8

Persons with family responsibilities may often hesitate to enter political decision-making because of the changes this will imply for their working conditions. They may have to move house, leave their job without a guarantee of coming back to the same job, they may also lose their pension rights during three or four years. Furthermore, parliamentarians do not necessarily have the right to take maternity leave and to benefit from family allowances. As women usually have a weaker position in society and more family responsibilities, the absence of clear legislation and a status for elected representatives as well as of logistical services and facilities (e.g. child care) may make it harder for them to accept a political role than for men.

On the other hand, adapting the status and working conditions of elected representatives to the circumstances of modern life will of course also be beneficial to male politicians. Such measures may include not only maternity but also paternity leave schemes, shared equally between fathers and mothers and organised with some flexibility, in order to take into account the interests of both women and men.

The first part of the paragraph focuses on the importance of legislative measures to be taken and therefore the role of governments as to ensuring that the necessary legislation is passed. The second part focuses on the working conditions within the European Parliament, national parliaments and local and regional authorities. Paying attention to the timing of meetings and reorganising working methods so as to facilitate the reconciliation of political work and private life for both women and men is very important for balanced participation.

The importance of comprehensive measures that must be taken in this field has been highlighted at several Council of Europe conferences. They are addressed in the Council of Europe's Recommendation No. R (96) 5 on reconciling work and family life, particularly Principle 5, and the outcome texts of the 4th European Ministerial Conference on equality between women and men (Istanbul, 1997) and the 27th Conference of European Ministers responsible for Family Affairs, held in Slovenia in June 2001.

Paragraph 9

The main arguments for gender-balanced representation in public committees are the following. When governments work on policy-making/legislative reforms in a specific field, they often call upon various organisations, institutes and enterprises to nominate their representatives. The purpose is to ensure that the necessary knowledge and expertise are available, as well as to ensure a social

consensus on the issue. This issue is extensively dealt with in the Council of Europe report on positive action in the field of equality between women and men.*

Experience has shown that the public appointments procedure is often discriminatory towards women. Nominating bodies often put forward only one representative, usually a man, which means that when it comes to establishing the committee, the government has no choice but to nominate this person.

In order to counter this phenomenon and ensure gender balance in appointed bodies, boards and councils, several countries have adopted specific legislation. One of the first countries to do so was Norway. Denmark and Finland have also adopted legislation in this area (see Appendix IV, p. 54).

The UN Convention on the Elimination of All Forms of Discrimination Against Women, (CEDAW, 1979), allows for special measures to be taken in this field (see Articles 4 and 7). The Istanbul Declaration stresses the importance of a gender balance in all public committees and recommends to governments to adopt and implement appropriate legislative and/or administrative measures in order to ensure a gender balance in all appointments made by a minister or the government itself to all public committees.

Paragraphs 10, 11 and 12

These paragraphs focus on the role of the state as an employer and as a political representative of the people. Governments have a double role and obligations in promoting gender equality. They have, as independent states participating in the international community, signed and ratified various international conventions addressing, *inter alia*, gender equality. They have adopted several recommendations, programmes and plans of action in this capacity. The CEDAW Convention and the Beijing Platform for Action should be mentioned in particular. States have the legal obligation to ensure the implementation of these international instruments both in the public and private sector. States are also most often the largest single employer in a country and an important employer for women. Decisions that states take as employers set examples for other employers in the society. In this respect, governments should be role models for other employers.

In these paragraphs, states are invited to take measures in order to promote women with the aim of ensuring a more balanced participation of women and men in decision-making positions. The proposals focus on measures to prevent possible discrimination in the selection criteria to decision-making positions, at making recruitment and career advancement within the state more transparent and therefore more democratic, as well as appointments to political and public decision-making positions. The Court of Justice of the European Communities has

* EG-S-PA (2000) 7.

repeatedly emphasised that transparency in procedures followed by employers is a very important part of the promotion of gender equality.*

The measures proposed are based on the 1995 Beijing Platform for Action, as well as on the conclusions of the Special Session of the UN General Assembly from the year 2000 and the Istanbul Declaration from the 4th European Ministerial Conference held in 1997. They cover both political and public decision-making and

* **Handels -og Kontorfunktionærernes Forbund i Danmark v Dansk Arbejdsgiverforening (known as Danfoss) C-109/88 [1989] ECR 3199.**

A claim was brought by a trade union on behalf of female workers who earned on average 7% less than a comparable group of male workers. Though the two groups earned the same basic wage, the employer supplemented the basic rate according to a number of criteria, which the trade union alleged created indirect discrimination against female workers. The ECJ established that where there is a non-transparent pay structure and statistical evidence reveals a difference in pay between male and female workers, the burden of proof shifts to the employers to account for the pay difference by factors unrelated to sex. A Danish national collective agreement for staff workers established a basic rate for grades of workers but permitted individual increments on the basis of flexibility, vocational training and seniority. Flexibility was assessed on the basis of quality of work, volume of work and the employee's keenness and initiative. However, employees had no knowledge of how these criteria were applied to them and so could not compare how their pay was made up. Male employees received on average nearly 7% more pay than female employees.

The ECJ described the pay system as being characterised by "a total lack of transparency". It held that for the purposes of Article 141, where an employer applies a pay system which is obscure in operation, and where a female worker establishes that the average pay of female workers is less than their male colleagues, the burden is then on the employer to prove that the pay practice is not discriminatory. The ECJ held that, if the criterion "quality of work" results in systematic unfairness to female workers this could only be because the employer had applied the criterion in a discriminatory manner. The ECJ found it "inconceivable" that the work carried out by female workers would generally be of a lower quality than that of male workers. An employer cannot therefore justify the use of a criterion where its application is shown to be systematically unfair to women.

Endrey v. Frenchay Health Authority C-127-92, 27 October [1993] ECR I-5535, 5573

The ECJ ruled that where "significant statistics disclose an appreciable difference in pay between two jobs of equal value, one of which is carried out almost exclusively by women and the other predominantly by men" there is deemed to be "apparent discrimination". Where "apparent discrimination" is established, the onus is on the employer to explain the difference unrelated to factors based on sex. A different history of collective bargaining could not justify wage differentials in segregated employment.

The case concerned two separate collective agreements for speech therapists and clinical psychologists, where jobs of equal value received different remuneration. The employer claimed that the fact that women were more numerous in lower paid jobs was not related to any discrimination, since there were no barriers or conditions on them in the other medical professions, and the pay differentials resulted from collective agreements signed between the same employer and the same trade unions. The Court rejected the argument that the existence of a barrier or a condition must be proved in order to determine discrimination: suffice it to show clearly that the existence of separate collective agreements and different pays penalises women more than men. The rule seems sound, because in the case of structural and institutionalised discrimination the require-

underline the double role states have as employers and as governments with political responsibilities.

Paragraph 13

Men by and large dominate the composition of national delegations to international organisations and fora, and in some cases such delegations remain exclusively male. And yet decisions taken at the European and international levels have more impact than before and tend to affect people, women and men, more directly. It is therefore important that such delegations have a balanced representation of women and men.

Some international legal instruments, rules and regulations already contain provisions to this effect, but they have not been properly implemented.

Article 8 of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) provides that "States Parties take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Government at the international level and to participate in the work of international organisations".

In addition, Article 4 of the CEDAW Convention allows for temporary special measures to be taken by governments with the aim of accelerating *de facto* equality between women and men.

The Charter of the Council of Europe's Congress of Local and Regional Authorities of Europe (CLRAE), stipulates that: "The membership of each member state's delegation in the CLRAE shall be such as to ensure: [...] d. equitable representation of women and men on the statutory bodies of local and regional authorities in the member state". In spite of this, the CLRAE in 2002 was composed of 54 women and 250 men titular representatives, i.e. 17.8% women, whereas the average representation of women in local and regional councils in member states was higher.

Paragraph 14

Women are generally under-represented in national delegations to international fora. The lack of gender balance on mediation and negotiating committees, particularly in the peace process or the settlement of conflicts, is particularly striking. In spite of Article 8 of the CEDAW Convention, women are hardly ever repre-

ment of proving the existence of a barrier would make it impossible to strike down indirect discrimination, thereby perpetuating indefinitely unbalanced situations. The Court has nevertheless refrained from broadening the rule to the effect that all "market forces" justification is unacceptable in indirect discrimination cases, limiting it to collective agreements. S.A. Rivara, "Discriminazione, giustificazione ed effettività nella recente giurisprudenza della Corte di giustizia delle Comunità europee", (1995) *Lavoro e diritto* 79, at 96-98; H. Fenwick, T.K. Hervey, "Sex Equality in the Single Market: New Directions for the European Court of Justice", (1995) 32 *CML Rev.* 443, at 461-469.

sented at the negotiating table. And yet, women suffer from armed conflict as much as men, if not more. Furthermore, women have been very active in grassroots movements for peace in regions of conflicts and they participate actively in the reconstruction of society after conflict. It is time that they found their place at the negotiating table and that their perspectives are taken into account when it comes to fixing priorities for the peace process, the settlement of conflicts and the reconstruction of society. Governments should therefore consider enhancing gender balance when appointing representatives to international mediation and negotiating committees.

The Council of Europe's Steering Committee for Equality between Women and Men (CDEG) organised a seminar on the participation of women in the prevention and resolution of conflicts in September 2001. The aim of the seminar was to initiate a discussion on various questions regarding women in this respect, women's activities for peace and the reconstruction of post-conflict societies. The role of the seminar was also to prepare the 5th European Ministerial Conference on equality between women and men (Skopje, 22-23 January 2003), the theme of which is "Democratisation, conflict prevention and peacebuilding: the perspectives and the roles of women." The participants in the seminar put forward recommendations highlighting, *inter alia*, the importance of gender-balanced decision-making at all levels of society, including in conflict prevention and resolution mechanisms, where decisions on peace and war are taken, and in the diplomatic services.*

Paragraph 15

The reasoning behind this recommendation is that women often have weaker positions in the labour market than men. At the same time, they make up the great majority of those who work in certain professions, such as the teaching and the nursing professions. Employers must therefore consider what measures are necessary to ensure that these women can fully exercise their civil rights and that they do not lose their employment-related rights if they wish to take part in political and/or public decision-making. The paragraph covers both political and public decision-making, although it is more relevant in the former. The recommendation defines public decision-making as including public committees and boards. Often those appointed to such committees and boards need some time off from their employment to be able to accept the appointment.

In some member states there are rules on the rights of employees to take unpaid leave in order to work for international organisations. The rules cover both the procedures between an employee and an employer and state the period of

* See conclusions of the Council of Europe Seminar on the participation of women in the prevention and resolution of conflicts, Strasbourg, 20-21 September 2001 (EG/Sem/Peace (2001) 7).

time for which an employee can keep her/his former employment. Another rule existing in some member states covers the rights of employees elected to positions in the trade union to take time off from their work without penalty. Again the rules cover procedure and state the time-limit. Similar rules that would guarantee an employee time off without penalty because of her/his electoral obligations would not only benefit women but also men. They may also facilitate a general participation of women and men in political life.

Paragraph 16

Most of the member states of the Council of Europe have set up some kind of national machinery for promoting gender equality. In the Council of Europe's Handbook on national machinery published in May 2001,^{*} a national machinery is defined as "an institutional governmental and, in some cases, parliamentary structure set up to promote women's advancement and to ensure the full enjoyment by women of their human rights. Its main function is to monitor and to ensure the implementation of the law, of the principle of non-discrimination and equality between women and men".

The importance of an effective national machinery in the field of gender equality at a highest possible level within the government is emphasised both in the Beijing Platform for Action and the Agreed Conclusions of the Special Session of the General Assembly of June 2000, reviewing the progress made since Beijing. National machinery plays an important role both as regards informing the general public on the importance of a balanced participation of women and men in political and public decision-making and the main obstacles women face. The national machinery often has the best knowledge and information about successful projects that have been implemented and has active and direct contact with women's non-governmental organisations. Gathering and disseminating statistics on women and men in decision-making positions, influencing society and implementing the various measures proposed in this recommendation are also examples of projects governments can entrust to the national machinery. But national machineries often lack the necessary financial means to fully implement their mandate. It is therefore important that governments support and strengthen the role of their national machinery, both as regards human and financial resources, in order to bring about a more balanced participation of women and men in decision-making.

Paragraph 17

In some member states of the Council of Europe, special parliamentary committees or delegations for women's rights and equal opportunities have been set

* Handbook on national machinery to promote gender equality and action plans, EG (2001) 7.

up. These committees or delegations constitute an important mechanism in promoting gender equality, not least in mainstreaming gender equality into national legislation and policy making within the parliament (see examples in Appendix V).

The paragraph does not only address national parliaments. Such parliamentary committees or delegations are also important at local, regional and supra-national level (see Appendix V). A committee on equal opportunities between women and men exists within the Parliamentary Assembly of the Council of Europe. In its Recommendation 1413 (1999), the Parliamentary Assembly recommends that national delegations urge parliaments to set up such committees or delegations within the national parliament. Paragraph 17 therefore invites governments to consider supporting such proposals at the international level and encouraging local and regional authorities in setting up such committees.

B. Supportive measures

In this chapter, several of the measures proposed could be implemented by governments directly, while others should be implemented through support to women's organisations or other organisations committed to promoting equality between women and men.

Paragraph 18

This paragraph is a general recommendation to governments to support, by all appropriate means, women's organisations and other organisations working for gender equality via programmes aimed at stimulating a gender balance in political and public decision-making. For decades, women's organisations and other organisations working for gender equality have been important actors in promoting gender equality in society and have as such proved their value. Their experience and their grassroots connections, often across party lines, are very valuable when defining and implementing projects in this field. However, these organisations often lack both the human and financial resources to properly implement their activities. Therefore governments should consider supporting them financially and encouraging them in their work. This was highlighted at the 4th European Ministerial Conference on equality between women and men held in Istanbul in 1997.

The European Union has been concerned with balanced representation in political life since the adoption of the Third Action Programme on Equal Opportunities (1991-1995). The EU action programmes have included measures supporting women's NGOs in this field and have proven quite valuable. Another important example is the "Women can do it" project, funded by the Norwegian government and implemented in a number of countries by the Gender Task Force of the Stability Pact for South-Eastern Europe.

Paragraph 19

The purpose of this paragraph is to deal with the often-used argument "women do not wish to take part in political and public decision-making". Such a data bank would provide political parties and other institutions with a solid basis for being able to identify women wishing to engage in decision-making in politics and public life. The Istanbul Declaration proposes a similar action to be taken or supported by governments.

Where data banks exist, they have proven to be quite valuable in promoting women in political and public life. An explanation often used when men are being promoted or nominated into posts or governmental committees and boards, is that no women with the right education or experience can be found to fill these posts. The man promoted/nominated was the only one with the right education/experience needed. This is where data banks on potential women candidates for elective and appointive office can be the answer. They enlarge the pool of women candidates and they call for governments to actively interact with existing networks of women decision-makers in relevant areas. However, for data banks to be effective, they must be used as a source by government when making public appointments and need continuous updating. They are therefore an excellent example of a project that the government can entrust to a women's NGO or to the national machinery. A recent project in this field exists in Norway (see Appendix VI, p. 56).

Paragraph 20

Women elected representatives often work together in cross-party networks, e.g. in national parliaments. This is important when it comes to questions such as looking at the budgetary process from a gender perspective. Networking of women in elected positions (ministers, MPs, local and regional councillors) should also be possible at the European level, especially as more and more decisions are now taken at this level. At the same time, European women politicians are faced with addressing problems such as the increase of trafficking in women and the persistence of violence against women as well as overcoming the obstacles they face when it comes to participating in politics. As women they may wish to discuss such issues together, irrespective of their political background. This need has been highlighted at several conferences and seminars organised by the Council of Europe. Networks of European women already exist to some extent, e.g. within organisations such as the Council of European Municipalities and Regions (CEMR) and the International Union of Local Authorities (IULA). Informal networking is also important. The Council of Women World Leaders, Vital Voices and other organisations have organised meetings and seminars for women in political decision-making. It is important that governments support such activities.

Paragraph 21

This paragraph focuses on women considering entering political and public life. The purpose of the paragraph is to point out that potential legislators and decision-makers should be given knowledge of what it is like to take part in political and public decision-making. Many people enter political decision-making without knowing much about how it works and what skills are needed. This is especially true for women, given their relatively recent participation in political and public life. Better knowledge about what political life is about, mentoring/work shadowing programmes, confidence, leadership and media training programmes preparing women for political life are therefore very valuable, as they give women an understanding of, and a preparation for, the demands of public duties, including dealing with the press. The power of media messages is unquestionable. Therefore, it is extremely important for women candidates and elected representatives to know how to use the media to get their messages to their audience. These same measures can also be useful methods for preparing and strengthening the capacities of women entering higher positions in the civil service.

The paragraph proposes concrete measures that can be taken in order to engage more women in political and public decision-making. It is important that career advancement programmes include career planning, mentoring, training and retraining and as such assist women in planning their careers, in strengthening their position whether in politics or public life and increase their opportunities for obtaining decision-making positions.

Career advancement programmes can be used as concrete positive actions towards redressing the imbalance between men and women in both political and public decision-making. Social, cultural and traditional views in society often prevent women from fully realising their capacities and at the same time society suffers by not benefiting from the full contribution of women.

Paragraph 22

Information and communication technologies evolve very fast and have become increasingly important over the last few years when it comes to building contacts, communicating and networking. This is valid at all levels of political life, but especially at local level, where there may be less access to information and communication technologies. It is therefore of vital importance that women candidates for political office and women elected representatives are offered at least the same possibilities as men to learn how to use and get access to such technologies.

Paragraph 23

Young people often take it for granted that there are no longer any problems with gender equality in Europe. Young men may also feel threatened by well-educated young women and think that the latter are taking the places they would themselves otherwise have been entitled to. It is therefore crucial that both young women and young men understand that a balanced participation of women and men in political and public life is to the advantage of society.

As pointed out by the Beijing Platform for Action, equality of access to and attainment of educational qualifications is necessary if more women are to become agents of change. In some countries, equal access to education is still inadequate. Curricula and teaching materials remain gender-biased to a large degree, and are rarely sensitive to the specific needs of girls and women. This reinforces traditional female and male roles that deny women opportunities for full and equal partnership in society.

Citizenship has to be learnt. It is essential for a stable democratic system that people understand the democratic principles of decision-making, support them and take part in the system. This being so, the acquisition of knowledge about democracy, the institutions that support it, the rules governing the political system and each person's role within that system, as well as contemporary history, all form the basis of civic education and education for citizenship. But, albeit indispensable, this learning process is not enough to form a citizen. Schools must therefore ensure education for citizenship, with a view to developing knowledge and competence to intervene, to respond to changes and to develop partnerships, as a condition for the full exercise of citizenship in a democratic context. Above all, civic education and education for citizenship are closely linked to the creation of a democratic school culture. By the creation of learning contexts enabling young people to develop and to exercise democratic citizenship and by the recognition of young people as present, and not just future, agents of social change. By the development of projects that encourage initiative, stimulate the desire to acquire capacities and knowledge and that establish a link between learning and real life, giving value to young people's interests and the questions that affect our societies.

Civic education and education for citizenship should therefore form part of the school process and explicitly include gender questions in order to encourage interest in participating, to familiarise young girls and boys with political and public decision-making and to promote democratic citizenship in terms of gender partnership.

This education calls for a whole range of changes to the education process, to curricula and to school culture. First of all, equality, together with other questions central to democracy such as education for peace, for citizen's responsibilities in the public and private spheres, for diversity and intercultural relations, must not

be seen as accessories. They must form part of the basic legislation governing the education systems as goals to be reached and must, in this way, be integrated in the training of teachers. They cannot be dissociated from the other subjects and pedagogical practices at school.

School is not isolated from the society and transmits its models. Society is marked by discrimination against women and the domination they suffer, and schools logically reproduce these models. Consequently, an absence of formal discrimination is not enough to ensure that the school system is the medium for *de facto* equality. It is only by promoting real co-education throughout the education process that equality between young girls and boys can be achieved, thus preparing them to face the future and become fully-fledged citizens. Integrating equality at all levels of the school system is essential in order to promote among young people the values of justice and participation that are needed for effective democratic citizenship, partnership between women and men in the private and public spheres and democracy. This is still far from being normal practice in education systems.

The choice of both sexes as regards education, professional activity, lifestyle, are subject to strong cultural pressure influenced by feminine and masculine stereotypes. These have repercussions on the sharing of family tasks and responsibilities between women and men, the division of roles on the labour market and the participation of women and men in society in general, and in particular in decision-making. Equality education must therefore be a central part of education for democratic citizenship.

Paragraphs 24 and 25

Political parties in Europe are faced with the lack of young people's participation. Less and less young people are members of a political party and even less take an active part in their activities. This progressive withdrawal threatens the renewal of politicians and deprives them of their creativity.

This does not mean, however, that young people do not feel concerned by the problems affecting society. Young people in general, and young women in particular, are more inclined to participate in associations and NGOs than in political organisations and parties, because they provide more flexible ways of participating in the resolution of practical problems that concern young people and to which they feel more committed. Young people also participate in other ways to show their interest in political and public questions, such as taking part in demonstrations, signing petitions, etc.

The formal educational system alone cannot respond to rapid social, political and economic changes in society and should be reinforced by non-formal educational practices. Youth organisations are among the main sources of expertise in

the field of non-formal education and they have reached a high level of achievement in this domain.

In youth and community organisations, young people have the opportunity to discover, analyse and understand values and their implications and to build over time a personal set of values to guide their lives. They run work camps and meetings, recruit volunteers, raise funds, administer bank accounts, recruit and manage personnel, give counselling and psychological peer support, organise sports activities and cultural festivals, intervene in their communities and lobby institutions for social change. All these activities of NGOs enable young people to acquire leadership skills and provide them with important practical experience in the process of democracy, decision-making and responsible democratic leadership.

Although they are present in associations, young women are under-represented in their decision-making bodies. The opinions and needs of young women may therefore not be taken into account in the associations' orientations. They are also deprived of the opportunity to gain experience in decision-making.

The participation of young people, and especially young women, in associations should therefore be promoted and stimulated. Youth organisations should be encouraged to ensure a balanced participation of women and men in their decision-making bodies.

Paragraph 26

Migrant and ethnic minority communities are often represented quasi-exclusively by male representatives when it comes to discussing their position, interests and problems with the majority/host community. At the same time, when specific questions pertaining to women in general are being dealt with, the voices of these groups of women are seldom heard. This means that they are likely to suffer from twofold discrimination, both as a specific group of women and as compared to the men in their community.

This paragraph therefore points out the need to involve women of migrant, ethnic and cultural minority communities in decision-making, in order to ensure that their specific needs, interests and conditions are taken into account as compared to those of men of their communities and as compared to women in general. Their participation in decision-making, e.g. in commissions set up at the local and national level, could also be very useful for society as a whole as it would contribute to strengthening social cohesion and favouring multicultural and inter-religious dialogue.

The term "ethnic minority" is for each country to define as no international human rights convention defines this term. The approach and the methods adopted to promote women from migrant, ethnic and cultural minority communi-

ties would often be similar to measures adopted to promote women in general. The aim here is to include certain groups of women, which means that the methods used would be adapted to their particular needs.

The proposal covers all relevant levels in decision-making, according to national legislations.

Paragraph 27

In some countries, political parties have devised strategies that have influenced other parties. Governments could play an active role in encouraging political parties to develop strategies or special methods to increase the likelihood of women being elected. Governments could assist and advise the political parties in these matters. The national machinery for gender equality can play an active role in implementing the contents of this paragraph. It is up to each political party to develop its own strategy but it is important to provide information on different incentives that could be adopted, such as guaranteeing a certain minimum percentage of candidates and elected representatives of each sex, training and mentoring programmes for women and making women visible within the party and thus set examples for others to follow. The encouragement of governments could also be in the form of financial assistance, e.g. to the organisations of women within the political parties (see also explanation of paragraph 4) (see example in Appendix VII, p. 57, and in the publication *Going for gender balance*).

Paragraph 28

Women's participation in decision-making in employers' and workers' organisations has for a long time been very low, even lower than in political decision-making. While women make up nearly half of the working force in today's society, they are neither at the negotiating table nor in decision-making positions. As the social partners do not always seem to pay enough attention to the issue of gender-balanced representation, governments have an important role to play in encouraging them to do so. This can be done by financially supporting programmes for women initiated by the trade unions and/or the employers' unions. These programmes would aim to strengthen women's positions and increase their opportunities to obtain decision-making positions and thus promoting a more balanced participation of women and men within the organisation. The different measures proposed in the paragraphs above on the balanced participation of women and men in political and public life could be of use for women within the employers' and workers' organisations as well as for other potential women decision-makers. These positions are often important stepping-stones to other political and public decision-making positions.

Paragraph 29

Governments have a legal obligation to ensure gender equality both within the governmental structure but also in society in general. In a democratic country there is a limitation as to what measures a government can adopt or what legal obligations it can impose on private enterprises and associations. Financial support or financial benefits to private enterprises that demonstrate a commitment to gender equality are examples of measures governments can adopt to ensure their legal obligation and political aim in the field of gender equality. In many countries, the access of enterprises and associations to certain advantages (fiscal measures, public grants or contracts with the government) is dependent on their compliance with certain statutory obligations. One of these obligations could be, where appropriate, the balanced representation of women and men on its managing bodies.

In some member states of the Council of Europe, both public and private enterprises are obliged by law to adopt gender equality programmes as part of their overall personnel policy. Governments must ensure that effective measures aimed at delivering a balanced representation of women and men in decision-making positions at all levels within the enterprise or association are adopted. This is of specific importance when enterprises or associations provide public services or implement public policy.

Paragraph 30

This paragraph focuses on making the general public aware of the importance of the balanced representation of women and men in decision-making. It mainly addresses political decision-making but it also applies to public decision-making as regards governmental committees and public positions into which governments makes appointments. Political life is still a very male-dominated area and men are the vast majority of those who hold public decision-making positions. Often capable women are not selected to run for a political post or appointed to governmental committees or governmental appointed positions because they do not enjoy the trust of those responsible for the selection process. Often, these selectors do not considered decision-making as a suitable role for a woman. This discrimination against women is often said to be based on the fact that the general public does not trust women to the same extent as men for such positions.

Many factors are at the root of the under-representation of women – historical, cultural, socio-economic factors, the image of women in the media, the use of sexist language, but also political factors, such as the selection criteria and processes of political parties and institutions based on masculine values. The traditional division of roles between women and men constitutes an additional

obstacle, as the models conveyed are not only interiorised by each individual, but form part of the organisation of society.

The attitude of the general public is of immense importance and can have both negative and positive influence on the development of a balanced representation of women and men. The negative impact is if the public does not trust women for political and public decision-making, thus directly and/or indirectly supporting passivity of governments or even encouraging such passivity. The positive impact is when the general public demands change, indirectly for example through opinion polls or voting patterns and directly when stating the importance of men and women sharing power.

Awareness-raising campaigns aimed at the general public in order to change traditional discriminatory views towards women have given good results. These campaigns can either focus on why the aim of balanced representation is of such importance and how it relates to the definition of a genuine democracy or focus on genuine democracy as such and the prerequisites for achieving it.*

Paragraph 31

The way feminine and masculine roles are still conveyed by most of our societies traditionally place men participating in the public sphere and women taking care of the family and the domestic sphere.

Being married and having children can be a disadvantage for women who want to take an active part in political and public life. The fact that most men spend little time on activities linked to family and domestic responsibilities, coupled with a traditional gendered sharing of roles, an absence of adequate infrastructures to support the family and the low salaries of most women, which do not enable them to benefit from the necessary support, may negatively condition their participation.

But political and public participation does not only require good logistics, it also implies the existence of a good climate of psychological support from the family, enabling a women to manage her time more easily and not to have guilty feelings about not devoting enough time to her family, or the time considered by society to be demanded.

Many member states recognise that the reconciliation of professional and private life is a decisive question to achieve equality between women and men. Nevertheless, the increasing integration of women in the labour market has not always been accompanied by a corresponding participation of men in family and domes-

* See examples in the publication *Going for gender balance*, Council of Europe Publishing, 2002, ISBN 92-871-4901-1.

tic responsibilities, thus creating greater difficulties for women who wish to exercise their right to political and public decision-making.

Contrary to what is commonly perceived and conveyed in our societies, the public and domestic spheres are indivisible. We cannot therefore ignore the political nature of the family and the importance of justice in private life. What happens in the private sphere is highly political and the public administration should intervene when the functioning of the private sphere reveals a violation of human rights, particularly the right to participate. A social debate on questions of equality and participation, leading to putting into question the traditional division of feminine and masculine roles, sensitising men to their responsibilities in the family and domestic sphere and to the benefits they can reap for themselves and for society, could contribute to creating better conditions for the participation of women.

Paragraph 32

This paragraph focuses on raising awareness of specific groups on the importance of balanced representation of women and men through targeted campaigns. Such campaigns should mainly be geared to politicians and social partners, as well as those who recruit potential decision-makers and nominate political and public decision-makers. Increased awareness among those who have the power and the possibility to change is of vital importance. As paragraph 30, this paragraph mainly addresses political decision-making and public decision-making as regards governmental committees and position into which governments appoints.

The paragraph is, however, not limited to those groups particularly mentioned. Where necessary, awareness-raising campaigns aimed at other specific groups should be considered at a national level. One group might be women themselves, especially in countries where practices such as "family voting" are widespread (see paragraphs II and III of the provisions of the recommendation). It is vital that women are made aware of the fact that there is power in their votes. Another group might be young people who often have little faith in political decision-makers.

Paragraph 33

The aim of this paragraph is to emphasise that ministers and other society leaders must know what gender equality is and be aware of the fact that women and men lead different lives to some extent and therefore may have different experiences, different needs and priorities. This is an important argument for why sharing power between women and men is so important and considered a prerequisite for genuine democracy. The organisation of interactive seminars introducing statistics regarding the lives of women and men, on gender equality mainstreaming into policy-making and all governmental decisions, introducing legal obligations

of governments and governmental policy in this field are therefore crucial. Examples of such initiatives can be found in the publication *Going for gender balance*.

Paragraph 34

This paragraph recommends governments to support non-governmental organisations and research institutes, financially or in other ways, in studying women's participation in decision-making and the impact it has on the decision-making process and environment. Research in this field is important, as it would provide a basis for progress to be measured and for targets to be set. It would, at the same time, allow for women's visibility and invisibility to be measured.

One question, which is often asked, is whether the participation of women in political and public decision-making "makes any difference". Balanced representation of women and men in political and public decision-making is a matter of justice in itself and does not need to be justified. Even so research on this issue confirms that women's increased participation brings different ideas, interests and point of views into decision-making and the decision-making environment. Governments cannot be expected to lead such research, but they can actively support organisations and institutes engaged in such research.

Paragraphs 35–38

Research on the obstacles that prevent women's access to political and public decision-making is at the same time understanding the problems and laying the grounds for comprehensive measures to be adopted. Governments should promote research both in political decision-making as well as in public decision-making. These areas are in many ways different. It is likely that the obstacles women face are different as well.

Opinion poll research on the voting patterns of women and men can highlight the influence voters have with their vote on political parties – such research seeks to determine whether there is a "gender gap" in voters' party preferences. If there is an imbalance between women and men as to which parties they are likely to support, it can be interesting for the parties (and for voters) to understand why this is the case. This research can draw attention to party political priorities and the extent they are perceived as representing the interests of women as well as those of men. This, and other research, requires funding, and the financial support of gender-based research into political and public decision-making is necessary to enable an understanding of the issues, interests, participation and representation of women and men in a country's decision-making framework.

Bringing about a balanced participation of women and men in decision-making requires an understanding of the circumstances – individual, contextual and systemic – that inhibit the full participation of women in political and public

arenas. Understanding these barriers enables the development of policies and procedures that redress these obstacles and promote women's equal participation in power with men. Publishing the results of such research assists non-governmental organisations, political parties and other relevant groups to develop targeted and specific strategies that are designed to overcome the imbalance between women and men in decision-making.

Women are often particularly active in the social and voluntary sectors. Indeed, quite often, involvement in community activities is the first step for many women into political life. In many instances, the social and voluntary sector is an economy in its own right. Substantial funding may come into the sector from various public and private sources, the sector can offer significant employment opportunities and it can also have a unique and fragmented structure of governance. Quite often, however, despite women's commitment to their communities, their presence in the decision-making echelons of social and voluntary organisations is quite low. Given the growing importance of the social and voluntary sector as the third partner in the triad of economic, political and social decision-making, it is important to research women's participation and presence in decision-making in this sector, to identify the obstacles to their involvement in the governance structures and to address these difficulties with appropriate initiatives.

Current research on the leadership styles of women and men legislators suggest that there are identifiable differences between them in terms of negotiating styles, policy priorities and ways of working within parliamentary frameworks. Other research suggests that legislative bodies that give a predominant value to male norms and men's lifestyles are difficult places for women. If women are to be encouraged to participate in elected assemblies, it is important to develop a body of knowledge that investigates differences in perceptions, behaviour, ambitions, priorities and expectations of women and men representatives, with a view to developing a more informed understanding of how legislatures work, how to make them work effectively and how to make them as attractive for women as for men.

Paragraphs 39–41

The media have an important role to play in the democratisation of society. While the independence of the media is crucial, journalists and other media professionals should be made aware of their responsibility when it comes to presenting unbiased and non-stereotyped images of women and men.

Paragraph 39 is taken from the Beijing Platform for Action. While the number of women journalists has significantly increased over the last ten years, they are still rather marginalised in the bodies mentioned in the paragraph and have little influence on media policy as such.

Since the 4th World Conference on Women, little has been done by governments and media in many countries to address the issue of the image of women in the media. In April 2002, the Council of Europe's Parliamentary Assembly adopted a recommendation on the image of women in the media, inviting governments to adopt and implement a policy against sexist and stereotyped images and to set up more bodies to monitor the situation.*

Campaigns have been organised in some countries to persuade journalists and editors that their coverage of gender issues is not always neutral (see publication *Going for gender balance*). Journalists should be provided with training in gender equality issues in order to promote a more balanced image of women and men in the media.

Paragraph 41 deals with the question of ensuring equal visibility to women and men candidates and elected representatives in the media. During election campaigns, the themes dealt with by the media and the time allotted to women and men candidates can have a bearing on the results of the elections. A study was carried out in Switzerland on the coverage of women candidates before the federal election in autumn 1999 (see *Going for gender balance*). Governments should support initiatives taken to analyse election procedures from a gender perspective.

C. Monitoring

Paragraphs 42 et 43

The main purpose of these paragraphs and those which follow is to draw governments' attention to the fact that the basis of all work on the advancement of equality over time is careful evaluation and monitoring of the progress made. It is on the basis of this knowledge and evaluation that the government will set new targets and initiate new programmes. Paragraph 42 draws attention to the need for an independent body responsible for following governmental policy in the field of balanced participation of women and men in political and public life. This body could be a mediator, an observatory or a special division in the national equality machinery. An example of such a monitoring body is the Parity Observatory in France.† It should be noted that parity observatories or mediation agencies of this

* Recommendation 1555 (2002) on the image of women in the media and Doc. 9394, rapporteur: Ms López González.

† This observatory, reporting to the Prime Minister, was set up by the Decree of 18 October 1995. It was originally composed of 18 prominent figures (men and women), selected for their special knowledge. Chaired by the Prime Minister, the observatory was renewed by Decree of 25 November 2002 and is now composed of 33 members: parliamentarians, community workers, university personnel (lawyers, historians, sociologists, political specialists), all of whom are recognised for their expertise on the subject. It is co-ordinated by a Rapporteur General. The functions of the observatory have been enlarged and it is now responsible for:

nature are powerless unless they are endowed with the necessary financial resources.

In order to be able to monitor progress, comparable gender segregated data have to be available. Governments are therefore asked to consider setting up and applying indicators for the monitoring and evaluation of progress in the field of balanced participation of women and men in decision-making, both in political and public life. In paragraph 44 examples of indicators are suggested. Applying them would ensure an internationally comparable report.

Paragraph 44

The indicators proposed in this paragraph give an indication of the scope of political and public decision-making arenas. These indicators are suggested so that governments can compile base-line data on the composition of political and public decision-makers, track changes over time, facilitate an analysis of the profile of decision-makers in any given country and draw cross-national comparisons.

The number of women and men elected representatives according to political party is an indicator of the progress accomplished by parties as far as women's representation in parliament is concerned. The number of elected representatives in supra-national and national parliaments can be calculated quite easily. The indicator at federal and regional level – when it can be calculated – can be compared to the indicator at supra-national and national level.

The success rate makes a connection between women and men elected representatives and women and men candidates. It indicates the chances of a candidate being elected. The success rate expresses the relation between the percentage of elected representatives and the percentage of candidates. It is calculated as follows:

$$\text{Success rate of women} = \frac{\text{Percentage of women elected representatives}}{\text{Percentage of women candidates}} \times 100$$

$$\text{Success rate of men} = \frac{\text{Percentage of men elected representatives}}{\text{Percentage of men candidates}} \times 100$$

-
- identifying, evaluating and analysing the inequalities between women and men in the political, economical and social fields;
 - producing and disseminating data on the situation of women at national and international level;
 - giving proposals, recommendations and opinions with the aim of promoting the implementation of parity between women and men.

Website: <http://www.observatoire-parite.gouv.fr/>.

If the percentage of women elected representatives and women candidates is the same (e.g. 30% elected representatives, 30% candidates), the success rate is 100. A success rate of more than 100 indicates that the proportion of elected representatives (compared to candidates) is above average, a rate lower than 100 indicates, on the contrary, an under-average figure. It should be pointed out that the success rate is a relative value and can therefore only provide tentative information on the real chances of candidates being elected.

Paragraph 45

The indicators presented in paragraph 44 offer a quantitative structure for parliamentary reports on women's and men's participation in political and public decision-making. As base-line indicators in their own right, they facilitate a systematic collection of data over time that can enable a government, and parliament, to observe, discuss and take action on the balanced participation of women and men in decision-making. These statistics are also vital in informing comment on this matter, and can act as a starting point for qualitative investigations into the imbalances in women's and men's participation in decision-making. Both types of studies, quantitative and qualitative, can contribute to implementing evidence-based strategies designed to redress imbalances between women and men.

An important element in this process is the tabling of reports to assemblies on women's and men's positions in decision-making, on actions taken to redress imbalances and on progress made. Consideration of such reports by legislators signals the importance of the issue and regular parliamentary debates on the subject highlights the effectiveness (or otherwise) of specific measures. In addition, the wide dissemination of these reports provides a regular overall picture of women and men in decision-making to society at large.

Such reports, apart from their evaluation and monitoring function, would help to launch a discussion in society, including in parliament, on the question of balanced participation of women and men in society and on the progress that has been made. It would encourage an evaluation of the measures that have been adopted and put pressure on those political parties, governmental institutions and other decision-makers where progress has been too little, while congratulating and encouraging others. In many member states of the Council of Europe, governments have a legal obligation to report regularly to, for example, the national parliament and to international bodies such as the European Union and the CEDAW Committee. The progress made in this field and evaluation of the measures adopted must be included in these reports. Regular reports based on this recommendation should not therefore involve additional work. The reports, which are disseminated widely, will be of use in other respects. For example, the information provided could serve as a basis for reports presented by the Council of Europe's

Steering Committee for equality between women and men (CDEG) to the Committee of Ministers.

Paragraph 46

This proposal is closely linked to paragraph 45 and of course in many cases it would be the same reports. The main difference is that paragraph 45 focuses on informing the national parliaments on the progress that has been made, while this paragraph focuses on informing the general public.

Paragraph 47

As an addition to the statistics proposed in paragraph 44, the statistics proposed in this paragraph give *qualitative* information on candidates and elected representatives. Are there any notable differences between women and men elected representatives according to age, profession or training? Such analyses can show the different ways in which political actors are recruited and what influence age, profession and training can have on the chances of being elected. These analyses can also provide answers to other questions. For example, do women elected representatives have a different professional or training background than men? Are women elected representatives older than men (and can a difference in career models be noted)?*

Paragraph 48

As mentioned in paragraphs 39 to 41, the image of women in the media still all too frequently remains a negative one and continues to be stereotyped and sexist. While the contemporary world has undergone rapid change, the image of women in the media has not really been altered.†

When looking at the way men and women are portrayed on public service television, research has shown that women are less visible. This means fewer opportunities for recognition and establishing an identity. Men are often in the role of expert, politician or scientist, whereas women are more often seen as victims, mothers or housewives or as a silent background.‡

* In France, all candidates for electoral office must make a declaration providing the following information: surname, first name, sex, profession, age (the level of education is not formally required). Statistics on candidates and elected persons are then elaborated for each département by the electoral office of each préfecture. These statistics are subsequently submitted to the Ministry of the Interior which aggregates the departmental data in order to publish national statistics.

† See Recommendation 1555 (2002) of the Parliamentary Assembly on the image of women in the media.

‡ In 1997/1998 comparative research was conducted in Norway, Sweden, Finland, Denmark and the Netherlands, working together in the Gender Portrayal Network (the Netherlands), to look at

Appendix I: Time-bound targets

The United Kingdom Government believes that women and men should hold an equal proportion of all public appointments. The aim is that women should hold 45%-50% of public appointments made by the majority of government departments by the end of 2005. *Public Bodies 2001*, published on 14 February 2002, showed that at 31 March 2001, women held 34% of all appointments to the boards of non-departmental public bodies, nationalised industries, public corporations and health bodies.

In order to improve this level of representation, the Government annually publishes a report, *Public Bodies: Opening Up Appointments* which sets out the targets that individual Government Departments are working towards for increasing the proportion of appointments held by women and the action plans to achieve these targets.

Appendix II: Gender balance in public appointments

The United Kingdom Government is committed to achieving a fair representation of women in public life. Research conducted by the United Kingdom Government, *Making a Difference, Women in Public Appointments* (DTLR, Dec. 2001) found that the main barriers to women taking up public appointments included:

the way men and women are portrayed on public service television (Who speaks, 1997/1998). The criterion adopted was speaking time. In total, 350 hours of television and 10,000 persons were analysed. The study reveals a structural inequality in the amount of time that men and women appear on screen and in the amount of time they are given to speak. The average is 66% men versus 33% women. Any differences between the countries involved in the study are only marginal. Studies from Belgium and Germany show similar results.

In Norway this research has been done for ten years. After an initial slight improvement the average is now the same as it was ten years ago. The same negative tendency can be seen in the Netherlands. There are, however, large differences between the various programme genres: the greatest equality is found in programmes for children and young people and in religious programmes, though the proportion of women nowhere exceeds 50%. The proportions are at their most unbalanced in sports programmes: in the Netherlands, 97% of the people appearing in sports programmes are of the male sex.

From the results of this research we can conclude that women are quite literally less visible on our public service television networks. This means fewer opportunities for recognition and establishing an identity. At a symbolic level it might be said that women are given less space and are regarded as less important. Qualitative research reveals that women are structurally assigned a lower status than men and are treated with less respect. \par Source: Keynote speech by Ms Bernadette van Dijk, Head of the NOS Gender Department, the Netherlands, at the Workshop on "good" and "bad" practices regarding the image of women in the media (Strasbourg, September 1998).

awareness of opportunities, attractiveness of appointments and confidence and time commitment required.

The Women and Equality Unit, led by the Ministers for Women, ran seminars across the country to address some of these barriers. The seminars targeted women with relevant experience gained at local level (magistrates, school governors) and encouraged them to apply for national level appointments. The seminars were designed to inspire women with case studies and role models, provide practical information on how to apply and what opportunities are available. Specific seminars have also been organised for minority ethnic women, trade union women and businesswomen.

Alongside this work, the Women's National Commission set up an e-network for women who attended the seminars, this provided access to mentoring support, information on available appointments and practical help with applications.

The Women and Equality Unit has been conducting research on this work in order that this model of work can be evaluated and promoted as good practice and so that women's experiences and views of public appointments can be incorporated into policy-making.

Appendix III: Constitutional and legislative changes to promote balanced participation

Belgium

As from February 2002, the Belgian Constitution explicitly stipulates the principle of equality between women and men, thus legitimising the policy of positive action. Article 10 of the Constitution now states that "equality between women and men is guaranteed", whereas its Article 11bis stipulates that "the law, decree or rule referred to in Article 134 guarantees to women and men the equal exercise of their rights and liberties, and notably promotes their equal access to elective and public office". An additional provision also declares that unisex governments are unconstitutional, at all levels of decision-making.

The constitutional amendment led to the adoption of several acts that reinforce the provision foreseen in the Act of 24 May 1994 aiming to promote an equal balance between men and women on lists of candidates for elections. According to this act, the number of candidates of the same sex could not exceed two-thirds of the total number of seats to be filled.

The new acts (adopted respectively on 17 June and 18 July 2002) establish gender parity on candidate lists for European, federal and regional elections, with a candidate of either sex on the first two places on the list. Alternating women

and men candidates is important in a proportional electoral system, where the place occupied on the list plays an important role in the election of candidates.

France

The constitutional law of 8 July 1999 establishes the principle of equal access for women and men to electoral office and elective positions. Article 3 of the Constitution confers on the law the responsibility of promoting this equal access, while Article 4 provides that political parties "shall contribute to implementation of this principle".

The reform was embodied in the law of 6 June 2000 under which, in list-based elections, the difference between the number of male and female candidates on each list must be no more than one. For single-ballot elections (i.e. European elections and a certain number of seats in the Senate) women and men must be presented alternately all the way down the list while, in elections held over two rounds (municipal and regional elections and elections to the Corsican Assembly), each group of six candidates in order of presentation on the list must contain an equal number of women and men. In parliamentary elections (which are single-member majority elections held over two rounds) there will be financial penalties for parties that do not present 50% of women candidates. If the difference between the number of candidates of each sex presented by a party exceeds 2%, the party will be penalised. The public funding awarded according to the number of votes obtained in the first round of the parliamentary elections (around 11 centimes per vote) will be reduced by a percentage equal to half the difference between the number of women and men candidates expressed as a percentage of the total number of candidates.

The municipal elections of 11 and 18 March 2001, which provided the first test for the law, showed that it is an effective means of promoting equality. Over 38,000 women gained seats on the municipal councils of towns with more than 3,500 inhabitants (which were the only ones concerned by the law), representing 47.5% of the elected representatives. This was a significant leap forward, almost doubling the equivalent figure for 1995 (27.5%).

On the other hand, the results of the parliamentary elections in June 2002 did not give similar results. Only 71 women were elected out of the 577 members of parliament (12.3%). This was a small increase compared to the 1997 figure of 10.9%. Women represented 38% of the candidates (22% in 1997) and only a quarter of them were elected.

Italy

Two electoral laws were adopted in 1993. In Act No. 81, of 25 March 1993, paragraph 2 of article 5 and paragraph 1 of article 7 state that a candidate list cannot contain more than two-thirds of either sex. Act No. 27, of 4 August 1993, laid down new rules for elections to the Chamber of Deputies. This law stipulates that elections to the Chamber of Deputies will from now on follow a mixed system: 75% of the candidates will be elected on the basis of the candidates having received the most votes and 25% of the seats will be attributed according to a system of lists. For this latter category, paragraph 2 of article 4 states that male and female candidates must alternate on a list, which means that, in practice, there will be 50% of each sex on the lists. However, the two laws were annulled by the Italian Constitutional Tribunal, on the basis that a fundamental human right, such as the right to present oneself for election, cannot be subject to gender-based treatment.

"The former Yugoslav Republic of Macedonia"

In May 2002, a law on the election of Members of Parliament was adopted, Article 37 of which stipulates that each candidate list must contain at least 30% of both sexes. In the September 2002 elections, 17.5% women were elected, compared to 7.5% in 1998.

United Kingdom

In February 2002 the United Kingdom Government introduced legislation to allow political parties to take positive measures to reduce inequality in the numbers of men and women elected in local, national and European elections. The Act is permissive and enables political parties, if they wish, to adopt positive measures.

The Act has a "sunset clause" that would cause the provisions to expire at the end of 2015. This should allow at least three elections to have taken place in each body where the legislation applies (House of Commons, National Assembly for Wales, Northern Ireland Assembly, European Parliament and local government elections). The clause also allows the Act's provisions to be extended, by secondary legislation, if there is a case for doing so in 2015.

Appendix IV: Gender-balanced representation in public committees

Denmark

In Denmark, the Committees Act was adopted in 1985 and the Boards Act in 1990. In both cases it was stated that a gender-balanced composition should be sought. The authorities, organisations and bodies concerned were required to propose equal numbers of men and women when nominating committee members. The competent minister then made the actual appointment. The new Danish Gender Equality Act which was passed in 2000 provides that all public committees and boards appointed by a minister with the task of preparing legislation or regulations of any kind or with the task of policy-making, must have an equal representation of women and men. All public bodies or organisations that nominate a member to a committee or a board must nominate a woman and a man. In cases where more than one person is to be appointed, an equal number of women and men must be nominated.

Finland

The Act on equality between women and men in Finland (8.8.1986/609), Section 4, reads:

"Authorities shall promote equality between women and men purposefully and systematically, especially by changing circumstances which prevent the achievement of equality.

"The minimum percentage of both women and men in government committees, advisory boards and other corresponding bodies, and in municipal bodies, exclusive of municipal councils, shall be 40, unless there are special reasons to the contrary.

"If an agency, an institution or a municipal or State-majority company has an administrative board, a governing board or any other executive or administrative body consisting of elected or appointed representatives, that organ shall comprise an equitable proportion of both women and men, unless there are special reasons to the contrary."

Norway

Article 21 of the Norwegian Gender Equality Act reads:

"Each sex shall be represented with at least 40% of the members when a public body appoints or elects committees, governing boards, councils, etc., with

4 members or more. Both sexes shall be represented in committees, etc., with 2 or 3 members. These provisions also apply to deputy members."

"Exceptions from the first paragraph may be granted if special circumstances make it evidently unreasonable to demand that the requirements are fulfilled."

"Committees etc. which pursuant to statutory law consist only of members from directly elected bodies need not fulfil the requirements of this article."

"For Committees etc. elected by local, municipal or county democratically elected authorities, the provisions of the Act on local and county authorities will apply."

Appendix V: Parliamentary committees or delegations for women's rights and equal opportunities

France

Parliamentary delegations for women's rights and professional equality have been set up in France. The National Assembly delegation was established by the Law of 12 July 1999 and the Senate delegation by the Law of 15 July 1999. These delegations are each composed of 36 members. At the end of 2002, the National Assembly delegation included 25 women and 11 men. Its members are appointed in such a way as to ensure proportional representation of parliamentary groups and balanced representation of men and women and of the standing committees. Government and parliament bills can be referred to it by the Bureau of the Assembly, a standing committee or a special committee, in which case it produces a report including recommendations. One of its first tasks was to give an opinion on the draft law to afford equal access for men and women to elective office and positions.

United Kingdom

Regional level

The Welsh Assembly has a Committee on Equality of Opportunity that promotes the principle of equality of opportunity for women and men through its functions, including an annual gender audit of committee membership.

The Scottish Parliament has an Equal Opportunities Committee. The remit of the Committee is to consider and report on matters relating to equal opportunities and on the observance of equal opportunities within the Scottish Parliament. The Committee has recently considered a Gender Equality Best Value review (26/03/02).

Local level

Local Governments in England are presently adopting the "Equality Standard", a generic framework aimed at enabling local government to address its legal obligations under anti-discrimination law – prohibiting discrimination in the delivery of services and employment (Bristol, February 2002; see *The Equality Standard*, The Employers' Organisation for Local Government; for copies e-mail dialog@lg-employers.gov.uk).

The Local Government Association (LGA) has developed a Gender Equality Strategy (for details see <http://www.lga.gov.uk/>). This document seeks to develop and establish LGA policy on gender equality aimed at enabling women and men to participate on a more equal basis in the social, cultural, political and economic sphere.

Bristol City Council has a Sustainable Development and Social Justice Executive and a corresponding Commission. The Executive is responsible for developing policies on women and equality issues across the Council, and has established a Women's Forum as a permanent consultation group on all Council policies.

Annexe VI: Women's talent bank

Kvinnebasen was established in 1999 and is run by *Likestillingssenteret* (the Norwegian Centre of Gender Equality). The goal of this women's talent bank is to make women's competence more visible. The main goals of *Kvinnebasen* are:

- recruitment of women for management positions
- recruitment of women for board positions.

In addition the database can be used by the media for statements, interviews, etc., and by organisations, institutions and others looking for lecturers or speakers. *Kvinnebasen* aims at increasing the number of women in top positions, both in the private and in the public sector. *Kvinnebasen* is part of a larger database, which also comprises <http://www.forskerbasen.no/> and <http://www.styre kandidater.snd.no/> (databases for women researchers and women candidates for board positions).

Today some 3 350 women have registered their CVs in the database. 76% of those registered have management experience, and 57% have experience from boards. In general the women listed in *Kvinnebasen* have a higher education, and they have experience from a wide range of fields. There is great diversity in the age, type of experience and education among the women listed in the database.

Kvinnebasen is an open database, i.e. there are no restrictions on who can enter the site and look up candidates listed. Recruiters may, e.g. search for core

competencies, type of education, city, name, and all other information that is registered.

All candidates registered in Kvinnebasen receive a monthly newsletter. Also, the site contains updated articles on women's issues, "profile of the month", "company of the month", etc. To see for yourself, go to <http://www.kvinnebasen.no/>.

Appendix VII: Political parties and the promotion of balanced participation

United Kingdom

The Sex Discrimination Election of Candidates Act 2002 – which is now law – is a permissive law allowing political parties in the United Kingdom to use all-women short lists in all public elections (European, General, Local, Scottish, Welsh and GLA).

The Liberal Democrats used zipping in the 1999 European Elections and twinning in the GLA elections.

The Labour Party used all-women short lists in the 1997 General Election (which was challenged and the Sex Discrimination Act ruled that this was illegal – hence the change in the law in 2002), and twinning in the GLA, Welsh Assembly and Scottish Parliamentary Elections.

All parties are drafting their response to this Act and it will be seen how each party plans to use the legislation after the respective conferences at the end of the summer 2002 (the Labour Party is likely to reintroduce all-women short lists to some degree, Liberal Democrats voted down a motion at its 2001 conference for all-women short lists for available seats, and instead resolved to put more money into awareness and training – so it is unclear how they will respond at the 2002 conference, the Conservative Party has been making positive noises about fair and representative lists of candidates).

Some websites of interest

<http://www.humanrights.coe.int/equality/> Council of Europe's Equality Division

<http://assembly.coe.int/> Council of Europe's Parliamentary Assembly

<http://www.coe.fr/cplre/indexe.htm> Council of Europe's Congress of Local and Regional Authorities of Europe

http://europa.eu.int/comm/employment_social/equ_opp/index_fr.htm Gender equality – European Union

Recommendation Rec (2003) 3 of the Council of Europe's Committee of Ministers

- <http://www.db-decision.de/> European database: Women in decision-making
- <http://www.ccre.org/site-fr.html> European Network of Women Elected Representatives of Local and Regional Authorities
- <http://www.womenlobby.org/index2.htm> European Women's Lobby
- http://www.europarl.eu.int/committees/femm_home.htm European Parliament Committee on Women's Rights and Equal Opportunities
- <http://www.ipu.org/> Inter-Parliamentary Union
- <http://www.un.org/womenwatch/daw/> UN Division for the Advancement of Women – Division de l'ONU pour la promotion des femmes

